



To: All Concerned

From: Ronald E. Brooks, President  
National Narcotic Officers' Associations Coalition

Subject: Byrne Justice Assistance Grant Funding

Date: January 7, 2007

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I have received many requests recently for an update on the status of the Byrne JAG Grant and High Intensity Drug Trafficking Area Programs. Many of you are well versed on the history of our struggle to retain federal funding to support state and local law enforcement efforts including those programs focused on drug enforcement. To fully understand how we got to where we are today, the current status of funding, and the NNOAC's plans to support future funding I have prepared this memo and have also attached supporting documents that may be of interest to you.

Since the formation of the National Narcotic Officers' Associations Coalition in 1994, our primary legislative efforts have focused on retaining adequate federal funding assistance for state and local law enforcement. Since FY 2002, funding for justice assistance programs in the Department of Justice has fallen dramatically from \$2.2 billion to \$800 million – a cut of more than 63%. While reductions in crime and drug use rates over the past 10 years have been significant, they have leveled off over the past two years and in many communities, violence and crime are now on the rise.

In FY 2005 the Local Law Enforcement Block Grant (LLEBG) and the Edward Byrne Memorial Assistance Grant Program were consolidated into the Byrne Justice Assistance Grant Program. The result was an overall reduction in funding to \$634 million and the loss of a mandate to Byrne formula funds for drug-related purposes.

In the Administration's FY 2006 budget submission, the Justice Assistance Grant Program (JAG) was recommended for elimination and the High Intensity Drug Trafficking Area (HIDTA) Program was slated to be moved from the neutrality of the Office of National

Drug Control Policy to the Department of Justice with significant cuts to the HIDTA program budget. The NNOAC joined forces with the National HIDTA Directors Association (NHDA) and by using a strong strategy of letter writing, press conferences, personal meetings and reporting on performance, the HIDTA program received full funding and was retained at ONDCP. The NNOAC along with other groups such as the International Association of Chiefs of Police (IACP) and the National Sheriff's Association (NSA) were strong advocates to save the Byrne JAG Program. The Congress agreed with law enforcement's position and appropriated the Byrne JAG formula grant at \$317 million in FY 2006.

In the Administration's FY 2007 budget submission, the Justice Assistance Grant Program (JAG) was once again recommended for elimination and the High Intensity Drug Trafficking Area (HIDTA) Program was again slated to be moved from the neutrality of the Office of National Drug Control Policy to the Department of Justice.

On January 19, 2006, in response to the proposed elimination of the Byrne JAG Grants, the NNOAC sponsored a meeting in Washington D.C. which was attended by representatives from many national of the associations representing law enforcement and general government that would be affected by the proposed budget cuts. From that meeting came the formation of an alliance to save the Byrne JAG program. That alliance consisted of fifteen major national organizations representing more than 465,000 law enforcement officers, drug court judges, treatment practitioners, and district attorneys, over 2,000 counties, and in excess of 5,000 community anti-drug coalitions.

The members of the alliance worked together in an organized effort which included a letter to all members of Congress urging the restoration of Edward Byrne JAG funds to the \$1.1 billion authorized level in FY 2007. This letter was historic as it was the first time that these organizations had come together to formally support a single issue. The organizations involved in this effort also joined the NNOAC in presenting a briefing to Member of Congress and their staff and in meetings with Speaker J. Dennis Hastert, members of the Congress and senior staff.

These meetings, along with the alliance letter, individual association letters, and meetings at home and in Washington by state association members resulted in garnering tremendous support in both the House and Senate for restoration of Byrne JAG funding in FY 2007. In response to our collective efforts, members of the House and Senate circulated Dear Colleague letters seeking support for HIDTA and Byrne. Several members also made speeches on the floor and offered successful floor amendments (totaling \$77 million) to restore funding for Byrne JAG and to retain the HIDTA Program at level funding within ONDCP.

As a result of the coordinated efforts of the Byrne JAG alliance and other organizations the House has recommended Byrne JAG formula at \$444 million and the Senate at \$465 million for FY 2007. At the request of the NNOAC and the Minnesota Police Officer's

Association, Senators Chambliss (R-GA) and Dayton (D-MN) were prepared to offer an amendment on the Senate floor to increase Byrne JAG funding to \$900 million. Unfortunately, the CJS bill never reached the floor prior to the end of the congressional cycle and so the Senate never had the opportunity to consider increasing Byrne JAG.

There is much speculation as to what will happen now that control of the Congress has shifted from the Republicans to the Democrats. It is probable that the FY 2007 budget will never be passed and the government will remain on a Continuing Resolution (CR) until the passage of the FY 2008 budget later this year. If that occurs, programs will continue to receive funding at their FY 2006 appropriated levels (\$317 million for Byrne formula). The Democratic leadership has indicated that they may increase funding for “priority programs”. We do not yet know which programs those will be but I think that only the passage of the FY 2007 SSJC budget or having Byrne designated as a priority program will increase funding for the JAG Program.

In discussions with Senator Feinstein and Chambliss’ office, I have learned that they intend to offer legislation next week that will authorize Byrne JAG at \$1.1 billion. This is the same level at which Byrne JAG was authorized in the Department of Justice Authorization Act. This action by Senators Feinstein and Chambliss may allow the leadership to designate JAG as a priority program.

For FY 2008, the NNOAC has already held a planning meeting with all of the organizations that were a part of our Byrne alliance last year. I chaired that meeting and the commitment this year seems even stronger than last year and I predict that we will have additional organizations join us. We hope to have our alliance letter delivered in the House and Senate Budget Committees prior to their issuing of the 302B allocations to the individual appropriations subcommittees. We are also working with the Charles Group to develop a white paper on the impact of the cuts to Byrne JAG. This report should demonstrate the impact of the loss of funding on state and local law enforcement and the adverse consequences to public safety. Our alliance will once again be involved in meetings with members and staff and in sponsoring at least one Congressional briefing.

Members of the Charles Group and I have met with Assistant Attorney General Regina Schofield, Director of the Office of Justice Programs and also with Deputy Attorney General Paul McNulty and have explained the devastating consequences of losing Byrne JAG funding and the NNOAC’s prediction that crime and drug use will increase dramatically as previous years cuts are now becoming realities at drug and gang task forces throughout the country. The NNOAC has also worked closely with the Bureau of Justice Assistance to develop performance measures similar to those developed by the NHDA for the HIDTA Program. As with HIDTA, those performance measurement tools will be critical in demonstrating the success of Byrne JAG funded initiatives to the Administration and Congress.

On December 6, 2006 Bobby Charles and I met with staff from the White House Office of Management and Budget. I was told by them that they have heard our message and that of our supporters in the Congress and that they will not be proposing elimination of Byrne JAG in their FY 2008 budget submission. Although they would not reveal the level of funding proposed for Byrne JAG they said that we would be satisfied with their budget proposal. As a result, I am cautiously optimistic that we will be starting on stronger footing for our efforts this year. They also said that the HIDTA Program would be funded and retained at ONDCP. Later that week, the Office of National Drug Control Policy Re-Authorization Act was passed after we were able to have holds lifted on the bill and secure its movement to the floor for a vote. That re-authorization should guarantee that HIDTA will stay at ONDCP and will help with the retention of funding for the program.

The new Democrat leadership of the House and Senate Appropriations Committees announced a structural change last week. The appropriations subcommittee that funds Byrne JAG and other important law enforcement assistance programs will be more streamlined. It will be called the Subcommittee on Commerce, Justice, and Science in both the House and Senate. The House chairman will be Rep. Alan Mollohan (D-WV). The Senate chairman will be Sen. Barbara Mikulski (D-MD). Also, the subcommittee that determines funding for the HIDTA Program and ONDCP will have a new name and jurisdiction. It will be called the Subcommittee on Financial Services and General Government in both the House and Senate. The House chairman will be Rep. Jose Serrano (D-NY). The Senate chairman will be Sen. Dick Durbin (D-IL).

Law enforcement has had several bleak years where we have had to fight very hard for every dollar that was appropriated for our programs. The success that we have had in restoring programs that were eliminated and in retaining HIDTA at ONDCP has been as a direct result of the hard work of NNOAC Delegates and their state associations and the outstanding cooperative alliance that we have entered into with many other national associations. The fight is not over, but I believe that our message that state and local law enforcement is worth of federal funding is being heard throughout Washington D.C. You should all be commended for your hard work and be prepared to step it up again this year.

I look forward to working with each of you this coming year and with our partners from other associations and organizations as we continue to advocate for sound public safety policy. Please feel free to contact me at (415) 436-8199 or by email at [rbrooks@nca.hidta.net](mailto:rbrooks@nca.hidta.net). Correspondence should be mailed directly to me at P.O. Box 36102, San Francisco, CA 94102.